



New Jersey Department of Children and Families Policy Manual

Manual:	IAIU	Institutional Abuse Investigation Unit	Effective Date:
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Chapter:	A	Institutional Abuse Investigation Unit	7-22-2013
Subchapters:	I	Institutional Abuse Investigation Unit	
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Overview

7-31-2008

The CPS-IAIU investigation determines:

- The circumstances of an alleged abuse or neglect of a child in an out-of-home care setting;
- The child's present condition; and
- The child's safety and/or the safety of other children under the same care or supervision.

The Investigator may arrange to have the child examined by a physician within or outside the facility, as appropriate. A CP&P Worker may be called on to assist with transporting the child, or identifying an alternative placement resource for the child.

IAIU investigates in accordance with the requirements of the Allegation-Based System, CP&P Manual, Volume II, Chapter E.

All reports of abuse and/or neglect regarding children in child residential centers or group homes (i.e., congregate care settings) or resource family homes or other out-of-home care settings are investigated by an Institutional Abuse Investigator from the IAIU Regional Office responsible for the geographic area in which the facility/home is located.

Within 24 Hours, Immediate as an Exception

7-31-2008

Time frames for response by IAIU staff to CPS-IAIU allegations coincide with time frames for response by CP&P field staff to CPS-Family allegations.

The standard timeframe for an IAIU investigation is "within 24 hours." In exceptional situations, IAIU investigates immediately (i.e., respond by no later than the end of that

work day; see "Definition of Terms," "Immediate Response," in [CP&P-II-C-2-300](#), Timeframes for Initial Response).

The IAIU Supervisor has the authority to dictate how quickly the assigned Investigator commences the IAIU response. When the Supervisor determines a situation cannot wait, he or she dispatches the Investigator promptly to the facility/home. See "Timeliness of Response Determined by Field Office" in [CP&P-II-C-2-300](#), Timeframes for Initial Response. After hours, on weekends, or during State holidays, an on-call IAIU Supervisor, serving on a statewide basis, has the authority to direct the SPRU Worker's response. See [IAIU-I-A-1-500](#).

If law enforcement commences a field investigation, the IAIU investigation must also begin.

For Children in 24-Hour Care Facility (Congregate Care) 7-31-2008

For IAIU, when a child is in a 24-hour care facility, the Investigator calls the Administrator or Director immediately to:

- Assess the current risk to the child; and
- Give instructions in regard to protection of the child (including medical assessment/treatment).
- IAIU recognizes the ability of facilities to protect children from risk of harm through increased supervision; transfer, suspension, or dismissal of the alleged perpetrator; or through immediate change or cessation of an inappropriate facility policy or procedure.
- However, in some cases, protection of the child can only be assured by immediate face-to-face contact by the Investigator. Immediate face-to-face contact is required when:
 - The Administrator is implicated in the allegation, and there is no other person in a position to initiate action to assure the safety of the child; or
 - It is not known whether the facility or caregiver can or will take action to assure the safety of the child.

For Children in Other Settings (Day School, Day Care Center, Day Camp, School Bus) 7-31-2008

In non-24-hour care settings, when the child will be returning home, the Investigator calls the child's parents to make arrangements to assure the child's safety. The arrangements may include medical assessment and/or treatment of the child or keeping the child home, away from the facility, until a safety plan is implemented.

Good Faith Effort

7-31-2008

The IAIU Investigator is required to make in-person contact with each child victim within the assigned response time. If unable to make contact, the assigned Investigator is required to make a "good faith effort" to establish contact as follows:

- Make a minimum of three (3) attempts to contact the child in person within the assigned response time frame requirement. Stagger attempts to make contact.
- If the report indicates a "current" location for the child, as well as an out-of-home placement address, attempt to contact the child at each location.

If unable to see the child victim after making a minimum of three (3) earnest attempts, immediately consult a Supervisor. The Investigator and Supervisor discuss best practice options for continued efforts to make contact with the child victim. Consider whether - and when - to contact the birth parents, if a child placed out of home cannot be found and may have returned home on his or her own.

Consider whether to contact the police to report the child "missing" (or direct the caregiver/provider to make the police notification).

Document your good faith effort decision in NJ SPIRIT.

The Supervisor and Investigator discuss continued efforts to make contact during case conferences, documenting each discussion in the on-going case dictation, recorded in NJS.

Parameters for the IAIU Investigation/Investigation Completed Within 60 Calendar Days

4-1-2013

CPS-IAIU investigations must be concluded within 60 calendar days of assignment from SCR.

Within those 60 days, the report must be completed by the IAIU Investigator, approved by the Regional Office, and, for Substantiated or Established reports, approved by the Director of IAIU.

To comply with the overall time frame (60 calendar days), the IAIU Investigator is given 45 calendar days to achieve each of the following tasks:

- Conduct and conclude the formal investigation;
- Make a definitive finding determination of "Substantiated," "Established," "Not Established," or "Unfounded;"

- Confirm a perpetrator(s) in each Substantiated incident (i.e., determine the Substantiated perpetrator);
- Confirm a perpetrator(s) in each Established incident (i.e., determine the Established perpetrator); and
- Complete the required report and associated "paperwork," including on-line case recording through the NJS application, the system of record.
- Articulate any additional concerns regarding the facility, staffing, etc.

Good Cause Needed to Extend Investigation 7-31-2008

Good cause must be established, if an IAIU investigation cannot be concluded within the allotted 60 calendar days. Good cause extensions, if granted, are in 30-day increments. Specific time frames may be established for shorter intervals, when appropriate.

Acceptable reasons for granting an exception are limited, and require justification by the Investigator and approval by the Assistant Regional Supervisor or the Regional Supervisor. A 30 day extension may be granted for one of the following reasons:

1. IAIU needs information from the County Prosecutor, a law enforcement authority, or the court. (Extensions may also be granted at the request of one of these entities.)
2. Crucial collateral information or a written report is needed (including, but not limited to, a diagnosis, a written evaluation or professional opinion, a medical/doctor's report).
3. Information is needed from the Medical Examiner (an autopsy report).
4. Additional or subsequent interviews are needed before a viable finding determination can be made. (A key person: is out of town; cannot be located and a search is underway; gave a false address and is being actively pursued; is refusing to give a statement, and IAIU is consulting legal counsel; etc.)
5. Other reason (to be used only in extreme or unusual circumstances).

Justification and Approvals to Extend Investigation 7-31-2008

Justifications and approvals are required within these parameters:

- The Investigator completes a detailed written justification when requesting an extension.

- The Assistant Regional Supervisor can approve an extension for reasons one (1) through four (4), above. Enter a justification when granting or denying an extension.
- The Regional Supervisor's approval is required for reason five (5), Other reason. Enter a justification when granting or denying the extension.

Actions of SCR Designee

3-9-2009

- Receive assignment from SCR in NJ SPIRIT; print DCF [Form 1-1](#), Screening Summary, coded CPS-IAIU.
- Confirm that assignment is appropriate for IAIU investigation.
- If the screening report is inaccurate, unclear, miscoded, or contains inconsistent data, contact the IA Liaison at SCR for clarity and resolution.
- If the report was assigned to the wrong IAIU Regional Office, immediately reassign it to the appropriate Regional Office. Directly contact the Regional Office's SCR Designee, to facilitate a timely IAIU response.
- If the report should be investigated by CP&P, the PDCU, or OOL (i.e., the intake is miscoded, and is not appropriate for IA investigation), immediately contact the IA Liaison at SCR to have the report re-coded and reassigned, as appropriate. Act quickly, to enable SCR to make a corrected assignment, to permit a timely CPS agency response.
- Determine whether the Division of Developmental Disabilities (DDD) Special Response Unit (SRU), or the DCF Children's System of Care are involved with the child, facility/home, or incident. Notify DDD or DCF Children's System of Care in accordance with established protocols.
- Review the alleged perpetrator information in the DCF [Form 1-1](#); complete and document a background check based on available information.
- Confirm the foster home has been suspended to new placements. See [IAIU-I-A-1-300](#), the section entitled SCR Puts Resource Homes on Suspension. Also see CP&P screening policy at [CP&P-IV-B-6-700](#), Suspension, Restricted Use, and Closure of Foster Homes.
- Obtain SPRU Worker's report, if initially assigned to SPRU after hours. See [IAIU-I-A-1-500](#).
- Submit screening report (DCF [Form 1-1](#), Screening Summary) to IAIU supervisory staff for assignment.

Actions of IAIU Investigator Upon Assignment 3-9-2009

When assigned a CPS-IAIU report to investigate, the assigned Investigator proceeds as follows:

- Conference assignment with immediate Supervisor.
- Contact the parent/guardian.
- Contact reporter (person who initiated call to SCR), if identified/when there is time/if appropriate.
- Initiate collateral calls, if time/appropriate.
- Notify County Prosecutor/law enforcement, if appropriate, in accordance with the DCF/Law Enforcement Model Coordinated Response Protocol. Determine if a joint investigation is warranted.
- Assess the current risk to the child victim.
- Request that child be medically examined/assessed, if warranted.
- For investigations involving Resource Family Homes, take the following actions as well:
 - Obtain and review the most recent version of the home's Cover Sheet, CP&P [Form 22-5](#), which lists the members of the household, the status of the license, approvals, waivers, etc.
 - Notify the assigned CP&P Worker and the Resource Family Support Worker; determine if a joint investigation is warranted.
 - For allegations regarding a 24-hour care facility, contact the Administrator:
 - Give instructions in regard to protection of the child/children (including medical examination/assessment/treatment by facility nurse or health care professionals, when warranted).
 - If the Administrator is implicated, initiate an Immediate Response/make a timely contact in person, on-site.
- Commence field investigation in accordance with the designated time frame.

Actions of IAIU Regional Supervisor Throughout the Investigation 4-1-2013

- Review the report (DCF [Form 1-1](#), coded CPS-IAIU) from SCR and the alleged perpetrator's status.
- Determine who to assign the pending investigation. The assignment of investigations is left to the discretion of the Regional Supervisor based on operational needs. When making an assignment, the Supervisor or designee considers the following:
 - Rotation/who in the Regional Office is next up for an assignment;
 - Geography/location of the facility;
 - Experience and expertise of staff, compared to the nature and complexity of the assignment;
 - Investigator gender, if applicable;
- Case load/work load size, with Investigators assigned no more than eight (8) new investigations per month, handling no more than twelve (12) active investigations at one time.
- Conduct initial supervisory conference with the assigned Investigator. Document the initial conference in NJ SPIRIT.
- Direct the IAIU Investigator to establish linkages with appropriate individuals and entities (DDD/SRU, DCF Children's System of Care, etc.) before commencing the field investigation.
- Provide guidance to identify relevant witnesses and collateral contacts. Determine a strategy for the sequencing of interviews.
- Determine whether a teamed response (with the police, the assigned CP&P Worker, etc.) is warranted.
- Consider whether a neighbor or other potential witnesses should be contacted as part of the investigation. See [CP&P-II-C-5-175](#).
- Complete a Critical Incident Report, CP&P [Form 21-10](#), if necessary.
- Initiate a subsequent conference(s) with the IAIU Investigator after the response. Discuss child safety. Document the conference in NJ SPIRIT.
- Hold monthly COMPSTAT meetings with the Investigators. (See Monthly COMPSTAT Meetings, below.) Document each conference in NJS.

- Review and approve the investigation report, the investigation finding determination notification letter, and other work submitted by the Investigator (in NJS, on paper, etc.)
- Offer guidance to assure required notifications are made, both within DCF and to outside agencies and entities. (IAIU Central Office maintains a current listing of required notifications.)
- If the findings are "Substantiated" or "Established," do not "approve" the report in NJS. Rather, forward the report/file to IAIU Central Office for final review and approval by the Director of IAIU. (Central Office "approves" the final report in NJS.)
- If the findings are "Not Established" or "Unfounded," and do not require Central Office approval, submit the final report in NJS.

Weekly Supervisor-Investigator Conferencing 7-31-2008

The Supervisor holds weekly conferences with the Investigator. The Supervisor develops a work plan with the Investigator, and gives guidance throughout the investigation process. The Supervisor closely monitors issues that may delay the completion of the investigation within the 60 day timeframe. The Supervisor works with the Investigator to remedy barriers to a timely and thorough investigation. The Supervisor documents each conference in NJS.

Monthly COMPSTAT Meetings 7-31-2008

Monthly COMParative STATistics (COMPSTAT) meetings are held in each IAIU Regional Office for the purpose of caseload management, investigation support and quality control, and personnel and resource management. COMPSTAT meetings allow the IAIU Investigator and Supervisor the opportunity to assess the effectiveness of tactics being employed in their efforts to complete quality investigations.

Components of the Field Investigation 10-27-2008

Investigate the assigned CPS-IAIU report in accordance with the requirements of the Allegation-Based System to substantiate a finding. Each specific allegation has its own, unique manual section in CP&P Manual, Volume II, Chapter E.

Record statements verbatim:

- Be as accurate as possible when documenting information in NJS.
- Document observations, based on professional expertise and training.

Initiate steps to assure the safety of the alleged child victim. See Assessing Child Safety in Resource Family Homes, below.

A) Child Victim Interview

Interview each identified child victim:

- Allow the child to tell his or her version of the incident with little interruption. Hold any questions until after the child has finished.
- Observe any injuries; document and describe apparent injuries in the written report. See CP&P policy, [CP&P-II-C-5-100](#), the section entitled Inspecting the Child for Signs of Physical Abuse.
- Secure photographs of injuries from law enforcement authorities or others. Photograph injuries, when appropriate. Do not photograph child genitalia. See "Photographic Documentation," below.

If the CP&P Worker or the Resource Family Support Worker assigned to the home wishes to be present during the interview with a resource parent or child in placement, facilitate a coordinated interview.

Document the interview in NJ SPIRIT - what the child victim said, the presence of any injuries, the child's demeanor and body language, the circumstances of the interview/where it was conducted, and whether anyone else was present during the interview process, and the IAIU Investigator's personal/professional observations and reactions. Document each subsequent interview throughout the investigative process. Document the interview in NJS within seven (7) calendar days.

If additional child victim(s) becomes apparent during the interview with the identified child victim, consult the Supervisor immediately, at the conclusion of this interview.

- In most situations, the investigation will be expanded to include the additional child victim(s). If so, the Investigator also interviews that child victim(s). All children residing in the home must be interviewed.

If an additional child victim(s) is a resource parent's birth or adopted child, or a child for whom KLG was court ordered, consult the Supervisor immediately, at the conclusion of this interview. Either the Investigator or the Supervisor contacts SCR with this critical information.

The SCR Screener will record information in NJ SPIRIT, to produce DCF [Form 1-1](#), a Screening Summary, coded CPS-Family, for assigning the CPS investigation to the respective CP&P Local Office.

If law enforcement formally conducts the interview, request to be present during the interview or to view the interview "live" (through a two way mirror). Work with law enforcement; assure that the questions IA needs answered are asked.

If the police deny the IA Investigator access to a child victim, claiming such may influence the criminal investigation, the Investigator immediately consults his or her Supervisor. The IA Supervisor determines whether to consult a superior or the DAG for direction, or accept the police request and wait for clearance.

If awaiting clearance, the Investigator and/or Supervisor must clarify law enforcement's request to deny access. (Can other parts of the institutional abuse/neglect investigation begin? Can the child victim be seen but not interviewed?) The Investigator makes regular contacts with law enforcement for status updates (initiate at least one contact per month). Document each contact with law enforcement and each attempted contact in NJS. Interview the child, once clearance is granted.

B) Interview with Alleged Perpetrator

Obtain clearance from law enforcement authorities to conduct an interview with an alleged perpetrator in accordance with the DCF/Law Enforcement Model Coordinated Response Protocol (see [IAIU-I-A-1-2100](#)). Follow up with law enforcement on a continuous basis. Document each contact with law enforcement in the NJ SPIRIT electronic case file.

Interview the alleged perpetrator after the child victim(s). The alleged perpetrator may provide additional or conflicting information, which, in turn, may require subsequent interviews of the child victim(s), and/or others.

- Sometimes an alleged perpetrator is not available for interviewing until the end of the process, by his or her choice or other circumstance.
- At other times the alleged perpetrator will only meet with IA in the presence of a Union representative or an attorney. See [IAIU-I-A-1-1600](#).

IAIU defers to law enforcement, if a criminal investigation is being conducted. In some situations, the IAIU Investigator is unable to interview the perpetrator, but will have access to discretionary information from law enforcement.

Confront any discrepancies between the child victim's statements and the alleged perpetrator's statements. Leave questions for the conclusion of the interview.

Record the alleged perpetrator's statements verbatim. Document each question asked, followed by his or her response.

When the police are already involved in a criminal investigation, or where the CPS-IAIU report meets the conditions for reporting to the County Prosecutor, law enforcement may request that the IAIU Investigator not attempt to interview the alleged perpetrator.

Upon such request, IAIU complies, and delays contact with an alleged perpetrator. When there is a question about a child's welfare and/or physical safety, however, the child's needs must take precedence over the conduct of a criminal investigation.

Advise a Supervisor when there is concern that a delay will place a child at risk. The Supervisor will initiate steps to facilitate negotiation between IAIU and the County Prosecutor toward resolution within 24 hours, as per a written, long-standing agreement between the Director of Criminal Justice and the Commissioner of the Department. See [CP&P-II-C-4-200](#). If IAIU is attempting negotiation with a local police department without success, refer the impasse to the County Prosecutor for assistance.

If the IAIU Investigator is not present during the interview with the alleged perpetrator at the request of law enforcement, seek information from law enforcement to summarize the content of the interview, to enable the completion of the civil investigation.

The Investigator or Supervisor contacts the law enforcement Investigator on a regular basis - once a month, at a minimum - to determine the status of the criminal investigation. Document each contact and each attempted contact in the electronic case record.

C) Witness Interviews

Eyewitnesses are a source of direct evidence because of their personal knowledge or observation of the facts.

Collateral witnesses, although unable to offer direct evidence, may still provide relevant information (circumstantial evidence) to the investigation. See [CP&P-II-C-5-175](#), the section entitled Collateral Contacts.

The Investigator interviews all appropriate witnesses, both direct and collateral sources of information, including, but not limited to, facility staff, parents, and other children/residents. Seek to establish a factual connection when a witness is named by the child victim.

D) Interview with Facility Administrator or Resource Parent

Conduct an entrance interview or telephone contact with the facility Administrator to:

- Advise of the allegation;
- Assess risk to the child victim and other children at the facility;

- Determine if immediate protective service actions - an immediate field response and/or other activity - are warranted;
- Seek pertinent historical background information concerning the dynamics of the facility, patterns within the operation of the facility, and the nature of facility staff and administration.

If the facility Administrator is implicated in the allegation, and there is no other person in a position to assure the child's safety, immediately initiate a site visit and make face-to-face contact with the child victim and staff.

When the alleged abuse/neglect occurs in a resource family home, obtain information from a combination of sources within the CP&P structure: the Resource Family Support Unit Worker or Supervisor, the child victim(s)'s assigned Worker(s), the LO Manager, and/or any other staff in a decision-making capacity affecting the status of the home.

Exit Interview

7-31-2008

In a facility - The exit interview with the facility Administrator, or his or her designee, permits the Investigator to summarize a remedial action plan, and lay the foundation for corrective action. See [IAIU-I-A-1-700](#), Remedial Action, Corrective Action. The exit interview offers the Administrator the opportunity to respond to any concerns raised during this aspect of the investigation.

In a resource family home - The IAIU Investigator notifies the Resource Family Home Supervisor of the following:

- Any concerns;
- • What, if any, remedial actions must be taken, including actions needed to re-enforce the Safety Protection Plan;
- • The official investigation finding determination will be provided by IAIU in writing.

Assistance from CP&P Field Staff

7-22-2013

- IAIU directly contacts the assigned Supervisor at the Local Office (for an active/open case), when field assistance from CP&P becomes necessary.
- The Investigator and Supervisor consult and contact SCR, when the Investigator needs field assistance with a child who is not part of an active CP&P case.

SCR makes a Child Welfare Services (CWS) assignment to the respective Local Office, to facilitate assistance.

Emergency assistance from the CP&P Worker may take the form of any one, or a combination of, the following:

- Consultation on case planning and/or safety planning;
- On-site assistance, to develop and implement a Child Safety Protection Plan or facilitate the child's removal and replacement;
- Identifying, through applicable "match" procedures, a prospective kinship caregiver, a new resource home, an emergency shelter, or another out-of-home placement plan for the child;
- Transporting the child;
- Securing a health/medical assessment or a physical examination for the child, to facilitate a change in placement or return home (see [CP&P-V-A-1-1300](#), Pre-Placement Assessment (Health)), or to document injuries as part of IAIU's abuse/neglect investigation;
- Referring a child to a Regional Diagnostic Treatment Center (RDTC) for a paid service. See [CP&P-II-C-2-600](#), Referral Guidelines for Regional Diagnostic and Treatment Centers.

IAIU investigations which start before the close of the work day are the responsibility of day IAIU staff, assisted by CP&P LO staff, as necessary.

If IAIU staff needs CP&P support after hours, response/assistance by SPRU is coordinated by SCR. See IAIU Seeking Assistance from SPRU, below.

Also see [IAIU-I-A-1-300](#), SCR Makes Assignment to CP&P Local Office to "Assist" IAIU.

Assess Child Safety in Resource Family Homes 10-27-2008

When the Investigator conducts an investigation regarding a resource family home, he or she is responsible for assessing the safety and protection of each individual child who resides in the home, as well as each child who is present at the time of the home visit.

The IAIU Investigator assures that each child in placement sleeps in a bedroom that is sufficient in size to provide for the safety, privacy, and comfort of the child.

The IAIU Investigator bases the child safety assessment on his or her first field visit to the resource family home when conducting the CPS-IAIU investigation.

- The IAIU Investigator obtains a copy of the home's Cover Sheet (CP&P Form [22-5](#)) from the Resource Family Support Unit (RFSU) before commencing the field investigation.
- CP&P [Form 22-6](#), New Jersey Child Safety Assessment (Resource Family Homes), serves as the IAIU initial response report (commonly known as IAIU's "eight day report"). This form is used to advise the Office of Licensing (OOL), the RFSU, and each LO that supervises a child in the home of IAIU's issues, concerns, and initial recommendations.
- Indicate who was contacted during the investigation, the date and time of those contacts, and IAIU's concerns.
- Use the last page of CP&P [Form 22-6](#) to record remedial actions taken/needed, in narrative format. Document consultation with Local Office staff, outreach to the assigned Worker/Supervisor, discussions about child removals vs. safety planning.
- Attach CP&P [Form 22-6](#) to IAIU [Form 3-1](#), IAIU Cover Memo, Eight Day Report. Distribute in accordance with form instructions.

No Safety Concerns in a Resource Family Home 7-31-2008

When there are NO safety concerns regarding the resource family home, the IAIU Investigator conferences the safety visit with his or her immediate Supervisor within three (3) work days following the child safety assessment field visit to the home:

- The Investigator and Supervisor discuss each of the 18 safety factors listed in CP&P [Form 22-6](#).
- The Supervisor reaffirms that safety concerns are NOT present for the alleged victim or other children in the home.
- The Investigator and Supervisor sign CP&P [Form 22-6](#) in the designated spaces.

Safety Concerns for a Child in a Resource Family Home 7-31-2008

If, while conducting the investigation/field visit, the IAIU Investigator has concerns about the safety of a child in the resource home, he or she immediately advises the IAIU Regional Supervisor (or Assistant Supervisor) from the field.

- The Investigator or Supervisor immediately contacts the assigned Supervisor at the Local Office by telephone to assure action is taken/supported to secure the safety of all the children.

- If there are concerns about birth, adopted, or other children residing in the home, plans for ensuring their safety must likewise be made. A CPS-Family report may be warranted, through SCR. See [IAIU-I-A-1-600](#), Referral to SCR to Initiate CP&P Intervention.

Note: IAIU makes recommendations regarding child safety. However, it is the responsibility of the assigned CP&P Worker and his or her Supervisor, not IAIU, to develop a viable Safety Protection Plan or determine that removal of a child is warranted.

When there are safety concerns, the IAIU Supervisor or Investigator immediately notifies the Office of Licensing, CP&P Resource Family Support Unit staff who supervise the home, and each LO Supervisor who supervises a child in the home. Send e-mails in follow up.

Concerns for a Child Who Is "Safe"

7-31-2008

For cases where well-being, child welfare, or other concerns are noted (which do not rise to the level of danger/unsafe), the IAIU Investigator or Supervisor notifies the LO Supervisor, the RFSU Supervisor, and the Office of Licensing, as appropriate, for follow-up and service assessment, as needed.

Note: For children in contracted homes, these issues are also discussed with the Contracted Agency.

Assess Child Safety in a Congregate Care Setting 7-31-2008

When conducting a child protective service field investigation in a congregate care setting within New Jersey, the IAIU Investigator takes the following steps to assess safety of the identified child in the facility:

- Interview the child victim alone, one-on-one, using CP&P [Form 22-10](#), the Congregate Care Questionnaire;
- Interview the child's Social Worker/Counselor;
- Request to see the child's room, thereby assuring that the child has appropriate sleeping arrangements/a bed.

Notifications Regarding Recommendations (Congregate Care Settings) 3-9-2009

Use CP&P [Form 22-10](#), the Congregate Care Questionnaire, to advise the Office of Licensing (OOL), the Area Office Contracting Unit, each CP&P Local Office that supervises a child in the congregate care facility, and others within DCF of IAIU's initial recommendations.

CP&P [Form 22-10](#) serves as the IAIU initial response report (commonly known as IAIU's "eight day report") for investigations regarding congregate care settings. Use the "comments" section of the form to record remedial action, in narrative format. Document concerns, risks, recommendations for further action, the need for collateral contacts (specify who to contact), and any service needs of the child. See "IAIU" in form instructions, CP&P [Form 22-10](#).

Safety Concerns in a Congregate Care Setting 10-27-2008

When the IAIU Investigator has immediate concerns about the child's safety, he or she advises the IAIU Regional Supervisor or the Assistant Regional Supervisor from the field:

- The Investigator, assisted by the Supervisor, devises a plan to initiate action, as necessary, to assure that the child is protected and safe.
- • The Investigator and Supervisor consult to determine when to, how to, and who should notify the parent(s). See [IAIU-I-A-1-900](#), Parents and Complex Reports. Generally, the assigned CP&P Worker, who has an established working relationship with the parent(s), advises the parent(s) of the allegation, particularly if the child is injured or in distress.
- • The Supervisor immediately notifies the Director of IAIU, OOL, and the CP&P Area Office (the State Central Registry after hours).
- • The CP&P Supervisor/Worker who supervises the identified child victim is notified promptly.
- • Supervisors/Workers who supervise other children residing in the facility are also notified, if those children may also be in danger in the facility.
- • For children who are not under CP&P supervision, the Investigator or Supervisor notifies the Case Management Organization (the CMO Worker), Children's System of Care Designee, or DDD Case Manager.

In situations where IAIU identifies well-being, child welfare, or other concerns (which do not rise to the level of danger/unsafe), the IAIU Investigator or Supervisor notifies the facility Administrator, the identified child's CP&P Worker/Supervisor, the CMO Worker, the Children's System of Care designee, the Office of Licensing, and/or CP&P Contract Administration staff, as appropriate.

Removal of Child from Congregate Care Setting when "Unsafe" 7-31-2008

When there is an active CP&P case, and the child victim must be removed, the IAIU Investigator or his or her Supervisor immediately notifies the assigned Supervisor at the CP&P Local Office, and requests assistance.

The IAIU Investigator or his or her Supervisor immediately notifies SCR to initiate a report, if IAIU identifies a need to remove a child who is not active with CP&P. SCR makes a secondary assignment to the respective Local Office, to facilitate assistance.

The IAIU Investigator waits with the child at the facility until the CP&P Worker arrives at the scene, to assume responsibility for the child. See Assistance from CP&P Field Staff, above.

IAIU Seeking Assistance from SPRU

7-31-2008

The IAIU Investigator contacts SCR for SPRU assistance when conducting an investigation which extends past the close of the business day, for which:

- • An unanticipated removal and subsequent placement of a child becomes necessary;
- A formal Safety Protection Plan is required to maintain a placement; or
- A child needs an emergency medical examination/health assessment.

See [IAIU-I-A-1-500](#), After Hours Response.

Relevant NJS Forms

2-25-2013

- • CP&P [Form 22-5](#), New Jersey Child Safety Assessment in Resource Family Homes - COVER SHEET
- CP&P [Form 22-6](#), New Jersey Child Safety Assessment (Resource Homes)

Other Relevant Forms

2-25-2013

- CP&P [Form 5-77](#), Resource Family Corrective Action Plan
- CP&P [Form 22-10](#), Congregate Care Questionnaire

Related CP&P Policy

7-31-2008

- [CP&P-IV-A-2-100](#), Assessing Child Safety in Out-of-Home Placement Settings

Evidence Collection and Analysis

7-31-2008

IAIU findings are "investigative," not "evidential" until legal proceedings. When IAIU makes its finding conclusion, the findings are investigative only. IAIU findings are not "evidential" until witnesses (including the IAIU Investigator) testify in court (subject to cross examination) in support of IAIU's findings.

Note: The term, "investigative information," is often substituted for the term, "evidence," in IAIU investigation reports and files.

The IAIU investigation consists of collecting information to enable a reasonable conclusion to be drawn regarding an allegation, based on the standard of proof of preponderance of the credible evidence.

This standard of proof means that the evidence suggests that abuse or neglect has "more likely than not" occurred (i.e., a 51% level of confidence, at an absolute minimum) for a determination of substantiation.

When determining a preponderance of the credible evidence, take into account:

- Direct observation of injuries;
- Statements by the alleged perpetrator and the consistency of those statements with injuries or circumstances;
- Credibility of the alleged perpetrator, the child victim(s), and witness(es);
- Opportunity (on the part of the child victim(s) as well as the alleged perpetrator);
- Medical corroboration of injury and probable cause of injury;
- Behavioral indicators of the child victim and the alleged perpetrator;
- Witness statements;
- Corroboration;
- Statements by the child victim;
- History of prior allegations/findings regarding the alleged perpetrator;
- Child's case history.
- Physical Evidence - All gathering of physical evidence is to be conducted exclusively by law enforcement. See [CP&P-II-C-5-175](#), section entitled Physical Evidence.
- Direct Evidence and Circumstantial Evidence - The institutional abuse investigation is often based on a mix of direct evidence and circumstantial

evidence (i.e., indirect evidence). The Investigator and Supervisor assess the quality and quantity of both types of evidence to determine the case finding.

- DIRECT EVIDENCE is evidence of a fact based on a witness's personal, first-hand knowledge or observation of the fact.
- CIRCUMSTANTIAL EVIDENCE - is direct evidence of a fact from which a person may reasonably infer the existence or non-existence of another fact; evidence that is drawn not from direct observation of a fact at issue but from events or circumstances that surround it.
- Circumstantial evidence relates to a series of facts other than the particular fact sought to be proved.
- The party offering circumstantial evidence argues that this series of facts is so closely associated with the fact to be proved that the fact to be proved may be inferred from the existence of the circumstantial evidence.

See [IAIU-I-A-1-600](#), IAIU Investigation Findings.

See [IAIU-I-A-1-1400](#), IAIU Evidence Outline.

Medical Statement

7-31-2008

The observation of an injury is direct medical evidence, when documented in the form of medical reports, duty nurse notes, or doctor's notes. Often medical documentation comes from the school nurse or duty nurse.

Medical documentation may also take the form of an incident management "note" or hospital examination report. Incident management notes document any unusual circumstances pertaining to a child, or any unusual situations that have occurred in a facility.

When used here, the "note" would document any physical or medical circumstances.

Expert opinion - A second form of medical evidence is that of an expert. It can come from a medical consultant who performs a second opinion diagnosis and/or reviews medical documentation and offers an opinion as to cause of injuries. CP&P Nurse Consultants, who serve in CP&P Local Offices, are often used for this purpose. Regional Diagnostic Treatment Centers may also be contacted.

When other individuals (from outside the health field) claim to have observed a child's injuries, note this in the witness or staff statements, collateral contacts, or under "additional information" in the investigation report documented in NJS.

Photographic Documentation

4-1-2013

The IAIU Investigator takes photographs of the child victim when an allegation is made of physical abuse involving an external injury. If the police are investigating, law enforcement may take the photographs in accordance with criminal evidence gathering procedures. Make every effort to obtain copies of police photographs for the IAIU investigation file.

Do not photograph child genitalia. When investigating allegations of child sexual abuse for which injuries may be present, consult the police and medical staff regarding the need for photographic evidence.

In Substantiated and Established investigations, original photographs of child injuries are sent to the IAIU Central Office; keep copies in Regional Office files. (In Not Established and Unfounded investigations, original photographs are kept in the Regional Office.)

The IAIU Investigator:

- • Enters the date, location/place photographed, time, child's name, his or her name (i.e., the photographer's name), the facility's name, and the NJS Intake ID# on the back of each photograph.
- Takes one full body photograph, clearly establishing the child's identity.
- • Makes every effort to minimize trauma to the child by respecting his or her personal privacy; explain to the child why photographs are necessary.
- • Should the child and/or caregiver refuse to have pictures taken, respect his or her wishes. Consult a Supervisor for direction, if a photograph is vital to the investigation.

Record Analysis

7-31-2008

- Consider prior allegations regarding the alleged perpetrator, resource family home, facility, or other out-of-home care setting.
- Review prior reports and recommendations with follow-up; remedial, and/or corrective action taken, or not taken, by the facility/provider.
- Check if there is a prior history of either complaints made by the child or concerns raised by the child's family of origin or prior substitute caregiver(s).

By checking all of the possible factors affecting the safety and welfare of children at a given facility or resource family home, patterns may become apparent. (For instance, events may occur at similar times, such as prior to the dining hour, at bed time/lights

out, before or immediately after visits home, or during shower time. A child or staff person may have displayed similar behavior in the past.)

Take into account precipitating factors. Read charts and anecdotal records. Ask questions about time periods prior to the incident.

Related CP&P Policy

7-31-2008

- [CP&P-IX-F-3-1200](#), (Rates of Payment for the Purchase of Social Services) Psychological/Therapeutic Services
- [CP&P-II-C-5-100](#), Photographs
- [CP&P-II-C-7-100](#), Professional Witness Services and Fees
- [CP&P-II-C-5-175](#), Evidence, Supplemental Information Gathering, Analysis